

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

PENNSYLVANIA PUBLIC SCHOOL	:	CIVIL ACTION NO:
EMPLOYEES' RETIREMENT SYSTEM,	:	11-CV-00733-WHP
individually and on behalf of all others	:	
similarly situated,	:	
	:	CLASS ACTION
Plaintiff,	:	
	:	
v.	:	
	:	
BANK OF AMERICA CORPORATION, et al.,	:	
	:	
Defendants.	:	
	:	

**DECLARATION OF MARK R. ROSEN IN SUPPORT OF  
LEAD PLAINTIFF'S MEMORANDUM IN OPPOSITION TO DEFENDANTS'  
MOTIONS TO DISMISS THE CONSOLIDATED CLASS ACTION COMPLAINT**

I, Mark R. Rosen, pursuant to 28 U.S.C. § 1746, do hereby declare as follows:

1. I submit this declaration in support of Lead Plaintiff's memorandum in opposition to defendants' Motions to dismiss the Consolidated Class Action Complaint in the above-captioned matter.

2. I am a member of the firm of Barrack, Rodos & Bacine, counsel for Lead Plaintiff, the Pennsylvania State Employees' Retirement System and have been admitted *pro hac vice* to this Court. I make this declaration based upon my personal knowledge.

3. Attached as Exhibit 1 is a true and correct copy of the Holders' Notice to Trustee and Master Servicer of Failure of Master Servicer to Perform Given Pursuant to §7.01(ii) of Pooling and Servicing Agreements Pertaining to the Residential Mortgage Backed Securities listed on the Attached Exhibit "A" (the PIMCO Repurchase Demand), which is referenced on page 11 of lead plaintiff's memorandum of law.

4. Attached as Exhibit 2 is a true and correct copy of the letter from Jeffrey A. Barrack, Esquire requesting a pre-motion conference with regard to lead plaintiff's intended motion to strike, in accordance with the Rule III(A)(i) of the Individual Practices of Judge William H. Pauley, III, which is referenced on page 19 of lead plaintiff's memorandum of law.

5. Attached as Exhibit 3 is a true and correct copy of the complaint in *Rombach v. Chang*, Civil Action No. 00 CV 00958 (SJ) (ASC) (E.D.N.Y. July 14, 2000), which is referenced on page 29 of lead plaintiff's memorandum of law.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on this 15th day of February, 2012  
at Philadelphia, Pennsylvania



Mark R. Rosen